

REMARKS

Claims 1, 3-17, 19-33 and 35-48 were pending in the Application at the time of examination. The Examiner rejected Claims 1, 2, 4, 6-9, 11-14, 17, 20, 22-25, 27-30 under 35 U.S.C. 103(a) as obvious over Syed et al. (US 6,038,451) in view of Stewart et al. (US 6,259,405).

The Examiner rejected Claims 3, 5, 10, 15, 16, 19, 21, 26, 31-32 under 35 U.S.C. § 103(a) as obvious over Syed et al. (US 6,038,451) in view of Stewart et al. (US 6,259,405) and in further view of Waites (US 6,788,769).

The Examiner rejected Claims 33, 36, 38-39, 40-41, 43, 45-46 under 35 U.S.C. § 103(a) as obvious over Stewart et al. (US 6,259,405) in view of non-patent literature (NPL) to Harter et al.

The Examiner rejected Claims 35, 37, 42, 47-48 under 35 U.S.C. § 103(a) as obvious over Syed et al. (US 6,038,451), Stewart et al. (US 6,259,405), Harter et al. and in further view of Waites US 6,788,769).

Claims 33 and 35 were amended to change "computer usable medium" to "computer readable medium," as requested by the Examiner. The changes to these Claims are for reasons of clarity only.

Claims 1, 3-17, 19-33 and 35-48 remain in the Application.

Claims 2, 18, 34 were previously cancelled without prejudice to future patent rights. Accordingly, any rejection of these Claims is moot.

Rejection of Claims 1, [2], 4, 6-9, 11-14, 17, [18], 20, 22-25, 27-30 under 35 U.S.C. § 103(a)

The Examiner rejected Claims 1, [2], 4, 6-9, 11-14, 17, [18], 20, 22-25, 27-30 under 35 U.S.C. § 103(a) as obvious over Syed et al. (US 6,038,451) in view of Stewart et al. (US 6,259,405).

The Examiner contends at the end of item 3, "Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Syed's teaching of call forwarding based on location and Stewart's transmission the device's location to the system to speed-up the call-forwarding routing time because the location process is no longer involved and is performed by the mobile device itself."

Applicants respectfully disagree with the Examiner's contention as is discussed below.

Syed et al. expressly requires that the list of communications devices be **preregistered** with the routing device in order to determine where to reroute communications rather than receiving "a list of one or more communications devices," from the portable electronic device as is provided for in Independent Claims 1 and 17. For example, Syed expressly states:

According to the present invention, a call to the number corresponding to wireless unit 15 may be completed either to wireless unit 15 or to a **registered forwarding number** according to the location of wireless unit 15. The system of the present invention maintains in a subscriber record for the wireless subscriber a list of registered forwarding number and corresponding registered geographic locations. The **registered forwarding numbers** may be telephone numbers which correspond to the current location of the subscriber, or may be a telephone number that is at a remote location, such as a voice mail number or an answering service. The **registered** forwarding number could be any number available from the network, such as any wireline number, another wireless number or a pager number. (Col. 3, lns 40-50; Emphasis added; See also FIG.1, items 17, 21, 27, 33)

The Examiner also contends in item 3, "Syed does not teach said location signal is from the mobile," and further contends that "Stewart teaches the transmission of its detected location signal containing the user identification to a routing device for the router to route the communication to the appropriate destination (C2 L50 - C3 L3."

Applicants again disagree with the Examiner's contention that the identification signal in itself provides the routing device the physical location of the portable electronic device. In Stewart, the location of the portable electronic device is supplied to the routing device by known locations of the local access points. Indeed, Stewart et al. expressly requires that the location of the portable electronic device be determined from known locations of local network access points. For example, Stewart expressly states:

The geographic-based communications service system includes a network and a plurality of access points connected to the network and **arranged at known locations in a geographic region**. (Col.1, lns 40-45; Emphasis Added)

Therefore, combining the teachings of Syed et al. with Stewart et al. would result in a system which requires **both** preregistration of communications devices available at known locations **and** determination of the location of the portable electronic device, neither of which are required or claimed in Independent Claims 1 and 17 (nor any of remaining Independent Claims 3, 19, 33 or 35.)

Accordingly, since both Stewart et al. and Syed et al. **require** prior knowledge of the communications devices available at a location (Syed) and also **requires** determination of the physical location of the portable electronic device (Stewart), these two references **expressly teach away** from the portable electronic device providing to the routing device the **list of one or more communications devices** available at a given location.

Applicants further note that the telecommunications transport mechanism arguments (i.e., phone or email) advanced in reply to the previous office action of May 7, 2007 were not addressed in the instant office action. Applicants respectfully submit that the phone or email telecommunications transport mechanisms further differentiate Independent Claim 1 and 17 (and

the other remaining Independent Claims 3, 19, 33 or 35) from the cited art of Syed et al. in view of Stewart et al.

At least for the reasons discussed above, Applicants submit that the cited references of Syed et al. and Stewart et al. either alone or in combination do not disclose, teach or otherwise suggest that a portable electronic device transmit "a list of one or more communications devices;" as is provided for in Independent Claims 1 and 17 (and any other remaining Independent Claims 3, 19, 33 or 35.)

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) for at least Independent Claims 1 and 17.

Dependent Claims 4, 6-9, 11-14, 20, 22-25, 27-30 depend directly or indirectly from their parent Independent Claims 1 and 17 and include additional features. Therefore, Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 103(a) of Dependent Claims 4, 6-9, 11-14, 20, 22-25, 27-30.

Rejection of Claims 3, 5, 10, 15-16, 19, 21, 26, 31 and 32
under 35 U.S.C. § 103(a)

The Examiner rejected Claims 3, 5, 10, 15, 16, 19, 21, 26, 31 and 32 under 35 U.S.C. 103(a) as obvious over Syed et al. (US 6,038,451) in view of Stewart et al. (US 6,259,405) and in further view of the Waites reference (US 6,788,769).

The Examiner contends at item 14. "Regarding claims 3, 5, 10, 15, 16, 19, 21, 26, 31 and 32, Syed and Stewart disclose the method (Stewart, and router), just as claims 1 and 17, above, but fails to show wherein said step of transmitting comprises: transmitting email messages, wherein the portable is a PDA or updating a web page."

Applicants note that both Independent Claims 3 and 19 include the same feature of transmit/transmitting "a list of one

or more communications devices," to a routing device as is included in Claims 1 and 17 as discussed above.

Applicants further note that the telecommunications transport mechanism arguments (i.e., phone or email) advanced in reply to the previous office action of May 7, 2007 were not addressed in the instant office action. Applicants respectfully submit that the phone or email telecommunications transport mechanisms further differentiate Independent Claims 3 and 19 from the cited art of Syed et al. in view of Stewart et al.

As such, Applicants respectfully submit that the addition of the Waites reference does nothing to cure the basic deficiency of Syed et al. in view of Stewart et al. as discussed above. Applicants further submit that the cited references of Syed et al. in view of Stewart et al. and in further view of Waites either alone or in combination do not disclose, teach or otherwise suggest that a portable electronic device transmit "a list of one or more communications devices;" as is provided for in Independent Claims 3 and 19.

Accordingly, at least for the reasons stated above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) for Independent Claims 3 and 19.

Dependent Claims 5, 10, 15, 16, 21, 26, 31 and 32 depend directly or indirectly from their parent Independent Claims 1 and 17 and include additional features. Therefore, Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 103(a) of Dependent Claims 5, 10, 15, 16, 21, 26, 31 and 32.

**REJECTION OF CLAIMS 33, 36, 38, 39, 40, 41, 43, 45 AND 46 UNDER
35 U.S.C. § 103(a)**

The Examiner rejected Claims 33, 36, 38, 39, 40, 41, 43, 45 and 46 under 35 U.S.C. 103(a) as obvious over Stewart et al. (US 6,259,405) in view of Harter et al.

The Examiner states at item 16 "Regarding claims 33, 36, 38, 39, 40, 41, 43, 45 and 46, Syed and Stewart disclose the limitations just as in corresponding method and apparatus claims 1, 2, 4, 6-9, 11-14, 17, 18, 20, 22-25 and 27-30, applied above, except for specifically teaching, a computer program product comprising computer usable medium having computer readable program code embodied therein and configured to route data."

Applicants note that Independent Claim 33 includes the same feature of transmit/transmitting "a list of one or more communications devices," to a routing device as is included in Claims 1, 3, 17 and 19 as discussed above.

Applicants further note that the telecommunications transport mechanism arguments (i.e., phone or email) advanced in reply to the previous office action of May 7, 2007 were not addressed in the instant office action. Applicants respectfully submit that the phone or email telecommunications transport mechanisms further differentiate Independent Claim 33 from the cited art of Syed et al. in view of Stewart et al.

As such, Applicants respectfully submit that the addition of the Harter et al. reference does nothing to cure the basic deficiency of Syed et al. in view of Stewart et al. as discussed above. Applicants further submit that the cited references of Syed et al. in view of Stewart et al. and in further view of Harter et al. either alone or in combination do not disclose, teach or otherwise suggest that a portable electronic device transmit "a list of one or more communications devices;" as is provided for in Independent Claim 33.

Accordingly, at least for the reasons stated above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) for Independent Claim 33.

Dependent Claims 36, 38, 39, 40, 41, 43, 45 and 46 depend directly or indirectly from their parent Independent Claim 33 and include additional features. Therefore, Applicants respectfully

request the Examiner withdraw the rejection under 35 U.S.C. § 103(a) of Dependent Claims 36, 38, 39, 40, 41, 43, 45 and 46.

**REJECTION OF CLAIMS 35, 37, 42, 47 and 48 are rejected under
35 U.S.C. § 103(a)**

The Examiner rejected Claims 35, 37, 42, 47-48 under 35 U.S.C. § 103(a) as obvious over Syed et al. (US 6,038,451), Stewart et al. (US 6,259,405), Harter et al. reference and in further view of Waites US 6,788,769).

The Examiner states at item 18 "Regarding claims 35, 37, 42, 47 and 48, Syed, Stewart, Harter et al., discloses the method of claim 33. Since Syed, Stewart and Harter et al., do not disclose the limitations in dependent claims 35, 37, 42, 47 and 48, Examiner has added the Waites reference, applied just as above with respect to claims 3, 5, 10, 15-16, 19, 21, 26 and 30-32."

Applicants note that Independent Claim 35 includes the same feature of transmit/transmitting "a list of one or more communications devices," to a routing device as is included in Claims 1, 3, 17, 19 and 33 as discussed above.

Applicants further note that the telecommunications transport mechanism arguments (i.e., phone or email) advanced in reply to the previous office action of May 7, 2007 were not addressed in the instant office action. Applicants respectfully submit that the phone or email telecommunications transport mechanisms further differentiate Independent Claim 35 from the cited art of Syed et al. in view of Stewart et al.

As such, Applicants respectfully submit that the addition of Waites does nothing to cure the basic deficiency of Syed et al. in view of Stewart et al. as discussed above. Applicants further submit that the cited references of Syed et al. in view of Stewart et al., in view of Harter et al. and in further view of Waites either alone or in combination do not disclose, teach or otherwise suggest that a portable electronic device transmit "a

list of one or more communications devices;" as is provided for in Independent Claim 35.

Accordingly, at least for the reasons stated above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) for Independent Claim 35.

Dependent Claims 37, 42, 47-48 depend directly or indirectly from their parent Independent Claim 33 and include additional features. Therefore, Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 103(a) of Dependent Claims 37, 42, 47-48.

CONCLUSION

Applicants wish to respectfully point out that this is the fifth office action in this case and in the spirit of compact prosecution as articulated in MPEP § 707.07(g) to prevent unnecessary and wasteful piecemeal examination, Applicants respectfully request reconsideration and withdrawal of all rejections of the pending Claims and allowance thereof. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicants.

CERTIFICATE OF TRANSMISSION

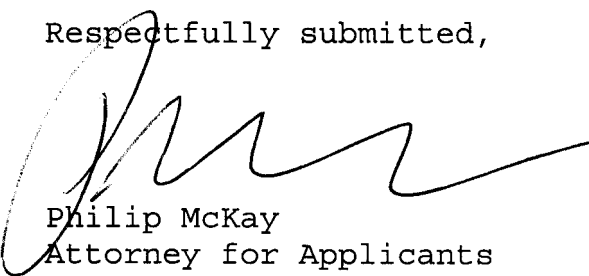
I hereby certify that this correspondence is being transmitted to the United States Postal Service via electronic means on April 29, 2008.

Respectfully submitted,



Attorney for Applicants

April 29, 2008
Date of Signature



Philip McKay
Attorney for Applicants
Reg. No. 38,966
Tel. 831-655-0880